IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERTO V. HAMILTON : CIVIL ACTION

:

v.

DEPARTMENT OF JUSTICE, et al . : NO. 05-2600

MEMORANDUM

O'NEILL, J. JULY , 2005

Plaintiff has filed a <u>pro se</u> civil rights complaint against the Department of Justice and Immigration Customs Enforcement. He alleges that he is illegally incarcerated.

Plaintiff's complaint is deficient in that it fails to name all of the defendants in the caption of his complaint as required by Rule 10 of the Federal Rules of Civil Procedure.

Since plaintiff is <u>pro se</u>, he will be given leave to file an amended complaint. In his amended complaint, if he chooses to file one, he should: 1) list all of the defendants in the caption of his complaint; and 2) fully describe how each defendant was involved in his claims.

For the foregoing reasons and in accordance with this memorandum, plaintiff will be given leave to file an amended complaint.

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ORDER

AND NOW, this day of July, 2005, in accordance with the Memorandum filed this date,

IT IS ORDERED that:

- 1. Leave to proceed in forma pauperis is GRANTED.
- 2. This complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e), with leave to amend as specified in the Memorandum within thirty (30) days of the date of this Order. Upon the filing of an amendment, the Clerk shall not make service until so ORDERED by the Court.

BY THE COURT:

THOMAS N. O'NEILL, JR., J.